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OFFICE OF PETITIONS

In re Application of :
Schor, et al. :
Application No. 09/581,651 : ON PETITION
Filed: October 10, 2000 :
Attorney Docket No. 002.00120 :

This is a decision on the petition under 37 CFR 1.137(a), filed November 6, 2003, which has been treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is GRANTED.

This application became abandoned for failure to timely reply to the Office action mailed January 14, 2003, which set a one-month period to reply. Accordingly, this application became abandoned on February 15, 2003. A Notice of Abandonment was mailed on September 12, 2003.

Petitioner contends the Office action was never received by applicant. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

Petitioner has submitted the necessary statement and docket records that indicate non-receipt of the Office action. As such, the holding of abandonment is withdrawn.

Please note, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The \$110.00 petition fee, submitted November 6, 2003, will be refunded to deposit account no. 16-2230.

This application is being forwarded to Technology Center 1600 for further examination *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.



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cc.
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